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10 Attorneys for Defendant
11 PASTORIA ENERGY FACILITY LLC

12 Attorneys for Non-Party
13 CALPINE CORPORATION

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 PLUMBERS, PIPE AND REFRIGERATION
18 FITTERS, LOCAL UNION 409,

19 Plaintiff,

20 vs.

21 CALPINE CORP., PASTORIA ENERGY
22 FACILITY, LLC

23 Defendant.

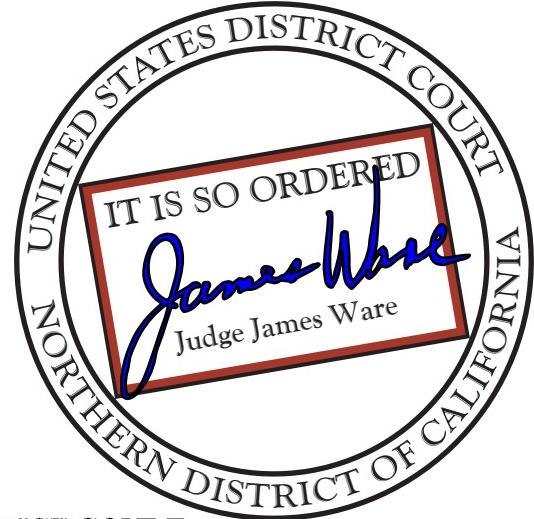
24 INTERNATIONAL BROTHERHOOD OF
25 ELECTRICAL WORKERS, LOCAL 428,
AFL-CIO,

26 Plaintiff,

27 vs.

28 CALPINE CORP., PASTORIA ENERGY
FACILITY, LLC

Defendant.



Case No. C-04-5111-JW¹

STIPULATION OF DISMISSAL WITH
PREJUDICE AND [PROPOSED] ORDER

Case No. C-04-4050-JW

STIPULATION OF DISMISSAL WITH
PREJUDICE AND [PROPOSED] ORDER

¹ Cases C-04-5111-JW and C-04-4050-JW are related cases.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby stipulate that each of the above-captioned actions should be dismissed with prejudice as to Defendant Pastoria Energy Facility, LLC. The parties also hereby stipulate that the Court's dismissal of former defendant and non-party Calpine Corporation should be modified so that the dismissal is with prejudice.²

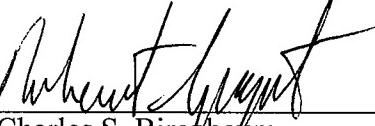
IT IS SO STIPULATED.

Respectfully submitted,

Dated: May 27, 2008

WINSTON & STRAWN LLP

By _____


Charles S. Birenbaum
Jeffrey S. Bosley
Robert Spagat

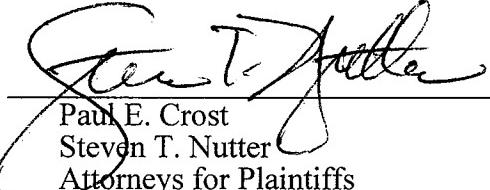
Attorneys for
Defendant Pastoria Energy Facility, LLC

Attorneys for
Non-Party Calpine Corporation

Dated: May 19, 2008

REICH, ADELL, CROST & CVITAN

By _____


Paul E. Crost
Steven T. Nutter
Attorneys for Plaintiffs
International Brotherhood of Electrical
Workers, Local 428, AFL-CIO and
Plumbers, Pipe and Refrigeration Fitters,
Local Union 409

² As the Court will recall, because "Plaintiffs proffered at oral arguments [their] willingness to dismiss Calpine [Corporation] from the current litigation," their claims against Calpine were "dismissed without prejudice." See No. 04-4050, Order Granting Plaintiffs' Motion to Compel Arbitration (Doc. 32) at 2:5-7; No. 04-5111, Order Granting Plaintiffs' Motion to Compel Arbitration (Doc. 36) at 2:5-7.

1 IT IS SO ORDERED.
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The Clerk shall close both case files.

3 Dated : June 2, 2008
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JAMES WARE
Judge of the U.S. District Court

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